

Application No.: 10/761,101
Response dated: July 26, 2006
Reply to Office Action: February 2, 2006

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REMARKS

Reconsideration of the present claims, in light of the attached claim clarifications and the Remarks, which follow, is respectfully requested.

Claims now before the Examiner are 1, 3-12, 15, and 17-21. Claims 1, 3-12, 15 and 17-21 are based on and amended from, claims 1-21 of the issued patent.

The numbering in this Response will follow that of the Examiner's Action.

Non-Compliance

1. Concurrently with this Paper, Applicants are resubmitting a declaration by the Assignee, with a more specific discussion of the error which leads to the filing of this Reissue Application.
2. The Examiner objects to claims 22-48. These claims have been cancelled to be pursued at a later date without prejudice.
3. The Examiner states that Applicants are required to point out the differences between the new claims and the original sets of patented claims. As the new claims have been cancelled to simplify issues, the Examiner's requirement is deemed moot.
4. The Specification stands Objected to due to a mis-spelling. The amendments to the Specification address this Objection.
5. & 6. The amendment to the specification and claims 12, 15, 22-32, 35-39 and 43-48 is Objected to as new matter, because the Specification does not indicate that the M of Formula I and II can be different from the M of Formula III. Applicants do not agree. In the specification at column 2, lines 29-38 "...where the second metal compound, is different from the first metal compound...". Nonetheless, to facilitate prosecution, these

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proposed clarification amendments have been eliminated. The fact remains however, that the metals in the two metal containing compounds can be different.

7. The Examiner states that Applicants must indicate how claims 34-48 differ from claims (patented) 1-21. Again, due to the cancellation of claims 34-38, this requirement is deemed moot.

8. All of the Examiner's Objections directed to non-compliance issues have been addressed. Withdrawal of the Objections is respectfully requested.

9. The verbiage of this paragraph states that the Examiner may make a restriction, but does not appear to Applicants that a restriction is actually made. Clarification is respectfully requested. The Examiner further states that the invention of claims 1, 3-12, 15 and 17-48 are considered patentably distinct from the patented claims 1-21, and that the "invention of instant claims 1-8, 10-31 is drawn to preparation of emulsion or a suspension..." Applicants do not understand any part of this paragraph. first, the statement of the claims over-laps, that is originally patented claims 1-21 are included in those "patentably distinct" from "the patented claims 1-21", and second there is no "emulsion" used in any of the claims and "suspension" is used only in reference to how the catalysts might be added to a polymerization reactor. Clarification and removal of this requirement is respectfully requested.

10. No response necessary.

All of the Examiner's Objections have been addressed.

The claims are in condition for allowance.

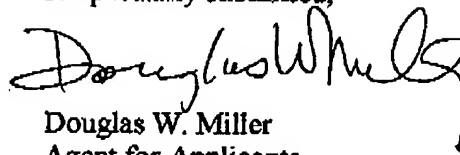
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Respectfully submitted,



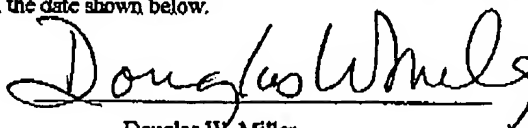
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July 26, 2006
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